

From: Tim Egbert
To: Microsoft ATR
Date: 1/28/02 11:23am
Subject: Microsoft Settlement

Attention: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

January 28, 2002

Sirs and Madams:

I oppose the Proposed Final Judgment (PFJ) in United States vs. Microsoft because it (1) does not adequately address the issues raised in Judge Jackson's findings of fact and conclusions of law, (2) will not remedy the past illegal monopolistic behavior of Microsoft, (3) will not prevent Microsoft from committing future monopolistic abuses, (4) will ratify many of Microsoft's practices that have been adjudicated as unlawful, and (5) will allow Microsoft to continue such practices under the cloak of final judgment.

Microsoft has been adjudicated to be a monopoly and to have acted illegally in many particulars, which rulings have been upheld on appeal. It has become evident that to this day, Microsoft does not believe it has done anything wrong and is using all means at its disposal to avoid any real consequences for its illegal actions. The Justice Department and the Court have a duty to promote a remedy that is effective and consistent with previous findings in this case.

I believe that Microsoft has shown that it will not negotiate in good faith to promote an effective and just settlement of this case. It therefore behooves the Justice department and the Federal Court not to insist on a negotiated settlement, to fashion a truly effective remedy, and to seek to impose such a remedy on Microsoft within the proper powers of the judicial system. There is no good reason to continue to negotiate with this intransigent and adjudicated wrongdoer.

Rather than restate all the well reasoned arguments against the PFJ, I have added my name to the "open letter" submitted this day by Dan Kegel as set forth on his web site at: <http://www.kegel.com/remedy/remedy2.html>.

Yours truly,

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CC: Tim Egbert, Attorney General